



Petition Number: 1605-VS-08

Subject Site Address: 17001 Oak Ridge Road

Petitioner: Jackson Development, LLC

Request: The Petitioner is requesting a Variance of Standard to modify Architectural Standards for Masonry Material requirements (Article 6.3(G)(2)(a)(i)) and Building Façade offsets (Article 6.3(G)(2)(a)(ii)) in the OI: Open Industrial District.

Current Zoning: OI: Open Industrial District

Current Land Use: Vacant

Approximate Acreage: 8.6 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan Exhibit
4. Building Elevations
5. Existing Conditions Exhibit
6. Petitioner's Application

Staff Reviewer: Amanda Rubadue, Associate Planner

PETITION HISTORY

This petition will receive a public hearing at the May 10, 2016, Board of Zoning Appeals meeting.

PROPERTY INFORMATION

The subject property is 8.6 acres +/- in size and is located at 17001 Oak Ridge Road (see **Exhibit 2**). The property is currently vacant land.

The property is zoned OI: Open Industrial District. The surrounding properties include residential dwellings to the west in the Countryside subdivision and industrial uses surrounding the remainder of the property.

VARIANCE REQUEST

The petitioner is requesting this variance to allow for a reduction in the Architectural Standards for Masonry Materials and an increase of the Building Façade offsets, as generally illustrated on the Site Plan Exhibit (see **Exhibit 3**) and Building Elevations Exhibit (see **Exhibit 4**).

The Architectural Standards for Building Materials within Industrial Districts is that a minimum of sixty percent (60%) of the Building Façade (exclusive of windows and doors) shall be Masonry Materials (Article 6.3(G)(2)(a)(i)). Additionally, Building Façades which are ninety (90) feet or greater in length, shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty (60) feet (Article 6.3(G)(2)(a)(ii)).

The proposed building materials presented as part of the petitioner's Detailed Development Plan (1604-DDP-11) include only precast concrete panels and do not include any masonry materials. As shown, the current offset intervals are eighty-five (85) feet in length. As a result, the petitioner is requesting this variance for a reduction in the masonry materials requirement from sixty percent (60%) to zero (0). The petitioner is also requesting an increase in the interval length between offsets from sixty (60) feet to eighty-five (85) feet.

The petitioner has indicated the existing mound and mature trees located along the western property line help to screen the view of the building from the Countryside subdivision.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the May 10, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO¹ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the

¹ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

² Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

DEPARTMENT COMMENTS:

The Department recommends approval of the variance with the following written findings of fact and with the condition the existing trees and mound located along the western property line be preserved.

Recommended Findings for Approval:

If the Board is inclined to approve the variance, then the Department recommends the following findings:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the use and proposed improvements will otherwise comply with the applicable standards of the OI District.

- 2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the surrounding properties to the north, east and south are also industrial uses; (ii) the proposed building is separated from the residential neighborhood to the west by a high mound and mature landscaping (iii) the proposed improvements will otherwise comply with the standards of the OI District; and (iv) the approval of the variance



will allow for the improvement of the property in a manner substantially consistent with the quality and character of the surrounding area.

- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance. The use is permitted by the Unified Development Ordinance and the proposed improvements and parcel would otherwise be permitted and comply with the Unified Development Ordinance.